

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 22-81435-CIV-CANNON

VIRGINIA QUINONEZ,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon Defendant's Motion to Dismiss [ECF No. 9], filed on December 19, 2022. On February 15, 2023, following referral [ECF No. 13], Magistrate Judge Reinhart issued a Report recommending that the Motion be granted without prejudice [ECF No. 14]. The Report instructed the parties to file any objections by March 1, 2023 [ECF No. 14 p. 10]. No parties filed an objection, and the time within which to do so has expired.

Upon review, the Court finds the Report to be well-reasoned and correct.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 14] is **ACCEPTED**.
2. Defendant's Motion to Dismiss [ECF No. 9] is **GRANTED**.
3. Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.
4. **On or before March 28, 2023**, Plaintiff shall file a Motion for Leave to File an Amended Complaint that is consistent with the Report [ECF No. 14]. The Motion shall be accompanied with a copy of the proposed Amended Complaint. Failure to (1) file a Motion for Leave to File an Amended Complaint; or (2) file the proposed

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Amended Complaint as an attachment to the Motion will result in dismissal of this action without further notice.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 6th day of March 2023.

A handwritten signature in black ink, appearing to read 'Aileen M. Cannon', is written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record